

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JAIME PERALES FLORES,
Plaintiff,
vs.
ROBERT DASCHOFISKY,
Defendant.

NO. CV-06-5048-MWL

ORDER ADOPTING REPORT AND
RECOMMENDATION, DENYING *IN FORMA*
PAUPERIS STATUS AND DISMISSING
ACTION

Magistrate Judge Leavitt filed a Report and Recommendation on September 27, 2006, recommending Mr. Perales Flores's application to proceed *in forma pauperis* be denied and this action be dismissed as Plaintiff's allegations were legally frivolous. See *O'Loughlin v. Doe*, 920 F.2d 614, 617 (9th Cir. 1990); *Tripati v. First Nat'l Bank & Trust*, 821 F.2d 1368, 1369-70 (9th Cir. 1987) ("A district court may deny leave to proceed *in forma pauperis* at the outset if it appears from the face of the proposed complaint that the action is frivolous or without merit.").

Plaintiff initiated this action in the Western District of Washington, prior to his deportation to Mexico. He is presently in Tijuana, Mexico, and is no longer incarcerated. On October 18, 2006, the court received a faxed letter from Mr. Perales Flores, asking the

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1 court to continue with his case due to his poverty and homelessness.

2 Plaintiff is advised the court will not consider documents sent
3 via fax and will not respond via fax pursuant to the Court's
4 Administrative Procedures for Electronic Case Filing, at pages 3, 17
5 and 18. At this time, the court has reviewed the Report and
6 Recommendation and Mr. Perales Flores's submissions. For the reasons
7 set forth below, **IT IS ORDERED** the Report and Recommendation (Ct. Rec.
8 12) is **ADOPTED in its entirety**.

9 In his complaint, Mr. Perales Flores claimed an employee of the
10 Walla Walla County Sheriff's Department, Robert Daschofsky, "set up
11 Immigration [sic] against me." Plaintiff complains he was arrested in
12 a hotel pursuant to an immigration warrant on an unspecified date. He
13 claims Defendant Daschofsky discriminated against Plaintiff and
14 "committed fraud" when he allegedly informed Immigration he had seen
15 Plaintiff on the streets.

16 Contrary to Plaintiff's assertions, however, there is no federal
17 constitutional provision which precludes one law enforcement officer
18 from informing another law enforcement agency of the presence of a
19 suspected illegal alien. Plaintiff's allegations have no basis in law
20 or fact. See *Neitzke v. Williams*, 490 U.S. 319, 325 (1989).

21 Accordingly, **IT IS ORDERED** Plaintiff's request to proceed *in forma*
22 *pauperis* under 28 U.S.C. § 1915 is **DENIED**. **IT IS FURTHER ORDERED** This
23 action is **DISMISSED as frivolous**.

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LONNY R. SUKO
UNITED STATES DISTRICT JUDGE